

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MONA SALCIDA MURILLO,
Plaintiff,
v.
D. GODFREY, et al.,
Defendants.

No. 2:23-cv-00667-EFB (PC)

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. This action originated on March 22, 2018 in the United States District Court for the Central District of California. On April 10, 2023, that court severed and transferred to this court “the remaining portion of claim Eight (the portion predicated on federal law claims against M. Allen, A. Miliken, and B. Campbell in individual capacities).” ECF No. 1 at 1.

On April 14, 2023, this court ordered plaintiff to either submit the filing fee for this action or seek leave to proceed in forma pauperis. ECF No. 3. In response, plaintiff filed a document styled, “Motion to Continue Proceeding In Forma Pauperis as Granted by the Central District Court.”¹ ECF No. 5. Plaintiff’s request is denied. Although plaintiff was granted leave to

¹ Plaintiff subsequently filed a motion for leave to proceed in forma pauperis. ECF No. 7. That motion is incomplete, however, as it does not include a certified prison trust account statement. Therefore, the Clerk of the Court is directed to request from CDCR a certified prison trust account statement for plaintiff.

1 proceed in forma pauperis in the Central District, the severed claim transferred to this court
2 constitutes a new civil action. *See Velazquez v. De La Rose Martinez*, 2021 U.S. App. LEXIS
3 38490, *5 (5th Cir. Dec. 29, 2021) (“When a claim is severed, it becomes an entirely new and
4 independent case.”). Moreover, allowing plaintiff to proceed without consideration of the filing
5 fee would undermine the Prison Litigation Reform Act. *See George v. Smith*, 507 F.3d 605, 607
6 (7th Cir. 2007) (“Unrelated claims against different defendants belong in different suits, not only
7 to prevent the sort of morass that this 50-claim, 24-defendant suit produced but also to ensure that
8 prisoners pay the required filing fees—for the Prison Litigation Reform Act limits to 3 the
9 number of frivolous suits or appeals that any prisoner may file without prepayment of the
10 required fees.”).

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Plaintiff’s “Motion to Continue Proceeding In Forma Pauperis as Granted by the
13 Central District Court” (ECF No. 5) is denied; and
- 14 2. The Clerk of the Court is directed to request from CDCR a certified prison trust
15 account statement for plaintiff.

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17 Dated: May 25, 2023.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE